

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 OTIS LEE DEW,

13 Defendant.

CASE NO. CR24-0091-JCC

ORDER

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15 This matter comes before the Court on Defendant's unopposed motion to reopen his
16 detention hearing (Dkt. No. 13).¹ The Court GRANTS the motion for the reasons explained
17 herein.

18 A detention hearing "may be reopened, before or after a determination by the judicial
19 officer, at any time before trial if the judicial officer finds that information exists that was not
20 known to the movant at the time of the hearing" that is "material" to the Court's decision. 18
21 U.S.C. § 3142(f). Here, Defendant is awaiting trial on one count of possession of a controlled
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26 ¹ Defense counsel labeled the motion, in the Court's CM/ECF system, as one seeking review of a
detention order and noted it as a 12-day motion in accordance with CrR 12(b)(1). However,
because counsel represents that the motion is unopposed, the Court will consider it as a same-day
motion in accordance with CrR 12(b)(8). And, given the relief requested, the Court further
considers this to be a motion to re-open a detention hearing in accordance with 18 U.S.C.
§ 3142(f) rather than a motion appealing a detention order in accordance with 18 U.S.C.
§ 3145(b).

1 substance with intent to distribute. (Dkt. No. 9.) On May 14, 2024, the Honorable Brian A.
2 Tsuchida, United States Magistrate Judge, ordered Defendant detained. (Dkt. No. 7.)

3 According to Defendant's unopposed motion, Defendant stipulated to detention at the
4 time and reserved the right to seek to reopen his detention hearing, should new facts become
5 available. (*See* Dkt. No. 13 at 2.) Since then, the United States Pretrial Services and Probation
6 Office interviewed Defendant, who disclosed a lack of prior serious criminal history. (*Id.*) On
7 this basis, Defendant asks to reopen his detention hearing, and asks that it be scheduled
8 concurrent to his arraignment. (*Id.*) In light of counsel's representations, including that the
9 instant request is unopposed, the Court finds good cause to re-open the detention hearing.

10 Accordingly, the motion (Dkt. No. 13) is GRANTED in part. The Clerk is DIRECTED to
11 REFER this matter to a magistrate judge for an additional detention hearing, which shall be held
12 as directed by that magistrate judge.

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14 DATED this 24th day of May 2024.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE